

REMARKS

Claims 1-20 are pending in the application.

Claims 1, 2, 4, 5, 7-14, 16, 17, 19 and 20 have been rejected.

Claims 3, 6, 15 and 18 have been objected.

Claims 1, 7 and 13 have been amended as set forth herein.

Claims 2-3, 8 and 14-15 have been cancelled herein.

New claims 21-25 have been added.

Claims 1-20 remain pending in this application.

Reconsideration of the claims is respectfully requested. The Applicants make the aforementioned amendments and subsequent arguments to place this application in condition for allowance. Alternatively, the Applicants make these amendments and offer these arguments to properly frame the issues for appeal. In this Response, the Applicants make no admission concerning any now moot rejection or objection, and affirmatively deny any position, statement or averment of the Examiner that was not specifically addressed herein.

I. ALLOWABLE SUBJECT MATTER

The Examiner objected to Claim 3, 6, 15, and 18 as being dependent upon a rejected base claim, but suggested that Claims 3, 6, 15, and 18 would be allowable if it were rewritten in independent form including all the limitations of the base and intervening claims. The Applicants have amended Claims 1, 7 and 13 to recite features previously found in Claims 3 and 15. The

Applicants respectfully submit that Claims 1, 7 and 13, and their dependent claims, are in condition for allowance.

II. CLAIM REJECTIONS -- 35 U.S.C. § 103

Claims 1, 2, 4, 5, 7-14, 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0141567 to *Yang, et al.*, (“*Yang*”) in view of U.S. Patent No. 5,986,599 to *Matsuo* (“*Matsuo*”). Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yang* in view of *Matsuo* in further view of U.S. Patent No. 7,286,599 to *Cheah* (“*Cheah*”). The Applicants respectfully traverse the rejection.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant

of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

Claims 1, 7 and 13 have been amended as indicated herein above. For at least these reasons, the combination of *Yang* and *Matsuo* fails to teach or suggest each and every feature of Claim 1 and its dependent claims. For similar reasons, *Yang* and *Matsuo* fail to teach or suggest each and every feature of Claims 7 and 13, and their dependent claims.

Accordingly, the Applicants respectfully request that the § 103 rejections with respect to Claims 1, 7 and 13, and their respective dependent claims, be withdrawn.

CONCLUSION

As a result of the foregoing, the Applicants assert that the remaining Claims in the Application are in condition for allowance, and respectfully request an early allowance of such Claims.


If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees (including any extension of time fees) connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, LLP

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William A. Munck

Registration No. 39,308

P.O. Box 802432
Dallas, Texas 75380
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *wmunck@munckcarter.com*